

DEP 3 REF

PAT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

7005 DEC 23 PM 3:12

CANCELLED

In re application of:

Sarkis TOKATLIAN

US PATENT & TRADEMARK
OFFICE

US PATENT & TRADEMARK
OFFICE

Art Unit: 3743

Appl. No. 10/715,115
Confirmation No. 3992

Examiner: Aaron J. Lewis

Filed: November 18, 2003

Atty. Docket No. 32406-198948

For: SUB AQUA BREATHING SYSTEM

Customer No.

26694

PATENT TRADEMARK OFFICE

REQUEST FOR REFUND

U.S. Patent and Trademark Office
2011 South Clark Place Customer Window
Mail Stop 16
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Applicant respectfully requests a refund in the amount of \$510.00 for the three month extension fee charged to our account at a large entity rate (\$1020.00).

We filed a Notice of Appeal along with a Petition for Extension of Time on September 22, 2005. The small entity rate applied as noted on the attached forms showing the *PTO stamp receipt* dated September 22, 2005, therefore, please refund \$510 owed to us in this case.

Also enclosed is a copy of our Draft Bill number 1216693 stating that \$1020 was mistakenly charged to our account.

DC2DOCS1/708766

BEST AVAILABLE COPY



Application No. 10/715,115

Please credit \$510 to our Deposit Account No. 22-0261, and notify the undersigned accordingly.

If any questions arise, please contact the undersigned at the number provided.

Respectfully submitted,

Dated: 12/21/05

Thomas G. Wiseman
Registration No. 35,046
VENABLE
Post Office Box 34385
Washington, D.C. 20043-9998

Telephone: (202) 344-4614
Telefax : (202) 344-8300

BEST AVAILABLE COPY

128668

Venable Filing Number



Attorney: CAA: TGW/cc
 PTO Due Date: September 23, 2005
 Date Filed: September 22, 2005

TM Official Gazette Date:

Atty. Docket No: 32408-198948

Re: Sarkis Tokatlian

Application No: 10/715,115

Patent No.:

Trademark:

Opposition/Cancellation No:

Filing Date: November 18, 2003

Issue Date:

Trademark Reg. No:

The following items were received from Venable, Washington, D.C., by the U.S. Patent & Trademark Office:

U.S. PTO FEES ENCLOSED

- ☐ Transmittal Letter
☐ Fee Transmittal Letter
☐ U.S. Provisional Patent Application (pages specification)
☐ Formal Drawings
☐ Invention Declaration (2 pages)
☐ Application Data Sheet
☐ Translation of International Application (pages)
☐ New U.S. TM Application (specimens)
☐ Rule 53(d) Continued Prosecution Application
☐ Substitute Specification
☐ Rule 53(b) Continuation or Divisional Application (attach copy of specification, claims, drawings & declaration)
☐ Priority Document-Cert. Copy of Appin.#: ; Country
☐ Date Filed:
☐ Request for Continued Examination (RCE) under 37 CFR 1.114
☐ Request for Reconsideration
☐ Assignment including the Cover Sheet
☐ IDS w/ PTO SB/08 a/k/a PTO Form-1449
☐ Response to Restriction Requirement
☐ Amendment
☒ Petition/Request for Extension of Time (three mo. ext. - small entity case)
☒ Notice of Appeal (small entity case)
☐ Appeal Brief (in triplicate)
☐ ☐ Reply Brief (in triplicate)/ ☐ Request for Oral Hearing
☐ Confirmation of Hearing Petition
☐ Issue Fee Transmittal
☐ Certificate of Correction
☐ Maintenance Fee Transmittal
☐ Power of Attorney
☐ Response to Notice to File Missing Parts
☐ Response to Notice to File Missing Requirements
☐ Response to Restriction Requirement
☐ Petition to Revive
☐ Sequence Listing - CRD (Computer Readable Disk) Enclosed? ☐ Yes ☒ No
☐ Status Inquiry
☐ Request for Non-Publication
☐ Request to Rescind Non-Publication Request
☐ Terminal Disclaimer
☐ TM Statement of Use
☐ Extension of Time (mo. ext.)
☐ Declaration Under 8
☐ Declaration Under 8 and 15
☐ TM Renewal Application
☐ Notice of Opposition (Please list all documents in Other section)
☐ Amendment to Alleged Use
☐ Other: (Please describe below)

Filing Fee
 Surcharge Fee
 Additional Claim Fee
 Recordation/Indexing Fee
 IDS Fee
 \$ 60.00 Extension - \$450 paid 8/15
 \$250.00 Notice of Appeal Fee
 Brief on Appeal Fee
 Oral Hearing Request Fee
 Petition Fee
 Issue Fee
 Publication Fee
 Maintenance Fee
 TM Statement of Use
 8 Affidavit Fee
 8 and 15 Affidavit
 TM Renewal Application Fee
 Notice of Opposition Fee
 TM Extension of Time Fee

\$310.00 Total Fees Paid

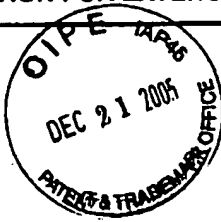
☐ Check No. attached
☒ Charge Deposit Account No. 22-0261

*If the Deposit Account was used, was a copy of this form sent to Accounting?

RLM

BEST AVAILABLE COPY

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) 32406-198948
In re Application of Sarkis TOKATLIAN		
Application Number 10/715,115		Filed November 18, 2003
For SUB AQUA BREATHING SYSTEM		
Group Art Unit 3743	Examiner Aaron J. Lewis	



This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ _____

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 60.00 (\$510 minus \$450 paid 8/15/05).

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 22-0261.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

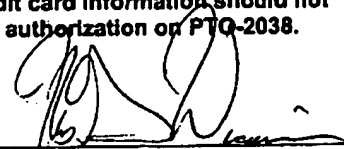
☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a). _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

September 22, 2005

Date



Signature

Thomas G. Wiseman, Reg. No. 35,046

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 2 forms are submitted.



DRAFT BILL # 1216693

Page 2 of 3

32406 / 198948 VENNER SHIPLEY LLP NAT'L STAGE-(PCT/GB02/02271)-SUB AQUA BREATHING SY / KINBERG,
ROBERT

	HOURS	AMOUNT	ACTION
--- KINBERG, ROBERT ---			
11/09/05 WORK CODE L564			
EMAIL EXPLAINING DEBIT NOTE. {12882975}	1.00	470.00	W/D
FOR CURRENT SERVICES RENDERED	1.00	\$ 470.00	

	HOURS	RATE	AMOUNT	ACTION
TIMEKEEPER RECAP				
RZK02 KINBERG, ROBERT	1.00	470.00	470.00	

CHARGES

PATENT FEES : NOVEMBER 10, 2005 EXTENTION FOR RESPONCSE WITHIN THIRD MONTH {12869789}	1,020.00	<i>reject</i>
TOTAL CHARGES	\$1,020.00	

*need to request refund of \$510 -
Small entity - we ~~incorrectly~~ charged large entity fee
Janet*

*P.T.O
mistake*

BEST AVAILABLE COPY

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)

Docket Number (Optional)
32406-198948

In re Application of Sarkis TOKATLIAN

Application Number 10/715,115

Filed November 18, 2003

For SUB AQUA BREATHING SYSTEM

Group Art Unit
3743

Examiner
Aaron J. Lewis

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$ _____
☐ Two months (37 CFR 1.17(a)(2)) \$ _____
☒ Three months (37 CFR 1.17(a)(3)) \$1020
☐ Four months (37 CFR 1.17(a)(4)) \$ _____
☐ Five months (37 CFR 1.17(a)(5)) \$ _____

- ☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ 60.00 (\$510 minus \$450 paid 8/15/05).
☐ A check in the amount of the fee is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.
☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 22-0261.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record.

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a). _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

September 22, 2005

Date

Signature

Thomas G. Wiseman, Reg. No. 35,046

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 2 forms are submitted.

#683072v1

SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

VENABLE
ATTORNEYS AT LAW

09/26/2005 HAL111 00000057 220261 10715115
01 FC:1253 1020.00 DA

09/26/2005 DATE: 1103/00000057 00000001 10715115
01 FC:1253 1020.00 CR

BEST AVAILABLE COPY

03/27/2006 SDIRETA1 00000008 220261 10715115

01 FC:2253 510.00 DA

United States Patent and Trademark Office
- Sales Receipt -

09/16/2005 LTHOMPS1 00000003 220261 10715115
Sale Ref: 00000003 DA#: 220261 10715115
01 FC:1252 450.00 DA

Adjustment date: 03/27/2006 SDIRETA1
09/16/2005 LTHOMPS1 00000003 220261 10715115
01 FC:1252 450.00 CR